

sented that each of the articles was exclusively a food, whereas it contained a substantial quantity of a mineral substance, namely, talc; and the "Laxative" contained $2\frac{1}{2}$ grains of a laxative drug, namely, phenolphthalein. They were alleged to be misbranded further in that the statement "Lacta-Kaolin" was false and misleading since they contained no kaolin. Further misbranding was alleged in that certain statements regarding their curative or therapeutic effects, appearing in the labeling, falsely and fraudulently represented that they were effective to overcome intestinal putrefaction and to establish an aciduric anti-putrefactive flora; to change the basic cause of halitosis originating in the gastro-intestinal tract; to change the intestinal flora and to keep the colon free from germs of putrefaction; to prevent the development of acute or chronic dangerous conditions in the alimentary tract; to successfully combat intestinal indigestion; to check putrefaction in the intestinal tract; to prevent absorption by the blood of poisons in the intestinal tract, and to avert or prevent rheumatism, arthritis, high blood pressure, heart disease, auto-intoxication, headache, kidney and liver disease, mental dullness, tired feeling, stomach trouble, inflamed intestines, diabetes, clogged skin, and many human ailments that are common conditions associated with the effects of constipation.

Further misbranding of the "Laxative" was alleged in that the statements, "Lacta-Kaolin is a combination of Lactose and Kaolin," "With the addition of 2% agar-agar and deliciously flavored with finest grade cocoa," and "Lacta Kaolin is prepared in the following forms: Plain and Laxative, the latter containing 1 grain of phenolphthalein per ounce," were false and misleading in that the said statements implied that the article consisted solely of lactose and kaolin, agar-agar, and cocoa and that each ounce contained 1 grain of phenolphthalein; whereas the article did not contain kaolin and it contained phenolphthalein in excess of the amount claimed, namely, not less than 2.4 grains per ounce.

On November 17, 1937, the defendants entered pleas of nolo contendere, and the court imposed a fine of \$10 against Frank R. Braune and a fine of \$100 against Gertrude Braune.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28317. Misbranding of Allimin. U. S. v. Van Patten Pharmaceutical Co., Inc.
Plea of guilty. Fine, \$75 and costs. (F. & D. No. 38587. Sample Nos. 6681-C, 19447-C.)

The labeling of this product bore false and fraudulent representations regarding its therapeutic and curative effects.

On August 19, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Van Patten Pharmaceutical Co., Inc., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 16, 1936, and January 15, 1937, from the State of Illinois into the States of Louisiana and Colorado, respectively, of quantities of Allimin which was misbranded. The article was labeled in part: "Allimin Genuine Essence of Garlic Parsley * * * Van Patten Pharmaceutical Co., Inc. * * * Chicago."

Analysis showed that the article consisted essentially of plant material, including garlic.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for high blood pressure; and effective as a treatment, remedy and cure for symptoms and causes of high blood pressure, arteriosclerosis, hardening of the arteries and other conditions which accompany or precede high blood pressure, intestinal putrefaction, auto-intoxication, dizzy spells, shortness of breath, sick headaches, nervousness, dizziness, headaches, thoracic oppression, intestinal flatulence and hypertension; effective as a treatment of high blood pressure and related conditions; effective as a relief of heart cases and dyspepsia; effective to diminish a cough and to aid in the digestion and absorption of food; effective to modify the intestinal flora; effective as an antiseptic; and effective as a treatment for auto-intoxication or self-poisoning that comes from accumulated waste matter in clogged intestines and bowels.

On October 11, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*